



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, December 21, 2009

Commissioner Joyce Avery, Chairman
Commissioner Sidney Chism, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner George Flinn

Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Steve Mulroy
Commissioner Mike Ritz

12/18/2009 2:00 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Joyce Avery

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Elder Tommy Andrew Sullivan, Pastor
Church of the Word Worship and Praise**

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution Commending Elder Tommy Williams, executive director of the Memphis Ten Point Coalition, for exemplary community service. Sponsored by Commissioner James Harvey.

Ordinances

RITZ

Vice-Chairman, Budget and Finance Committee

2. [ORDINANCE - FIRST READING - An Ordinance amending Shelby County Code of Ordinances Section 2-56 to 2-71 to update the Shelby County, Rules and Regulations to reflect significant change made. Sponsored by Commissioner Deidre Malone](#)

Zoning and Subdivisions

RITZ

Chairman, Land Use Committee

3. [Resolution to accept the public improvements and to release the bond that secured the improvements to Walnut Grove/Hall Road PD, Phase 4 \(P.D. 01-305 CC\) Sponsored by Commissioner Mike Ritz.](#)

Reports and/or Resolutions for Standing Committees

MALONE

Chairman, Public Works Committee

4. [Resolution to amend the Capital Improvement Plan Budget in the amount of \\$100,000.00 to appropriate \\$100,000.00 to Agricenter International for necessary roof renovation and repair and this item requires the expenditure of \\$100,000.00. Sponsored by Commissioner Deidre Malone.](#)

MALONE

Acting Chairman, Hospitals & Health Committee

5. [A resolution approving an amendment increasing the operating budget of the Memphis and Shelby County Health Department's FY2009-2010 H1N1 Public Health Emergency Response program by the amount of \\$2,625,700.00 to a total amount of \\$3,164,400.00, an amendment to the FY2009-2010 position control budget and the appropriation of said funds. This item requires the expenditure of Federal thru State Grant funds in the amount of \\$2,625,700.00. Resolution sponsored by Commissioner George Flinn.](#)

MALONE

Acting Chairman,
Hospitals & Health
Committee

6. A resolution to approve an amendment to the FY2009-2010 operating budget in the amount of \$18,675.00 for the provision of the Commodity Supplemental Food Program (CSFP) grant program, an amendment to the FY2009-2010 Position Control Budget, and the appropriation of said funds. This item requires the expenditure of Federal thru State grant funds under the CSFP program in the amount of \$18,675.00. Resolution sponsored by Commissioner George Flinn.

CARPENTER

Acting Chairman, Law
Enforcement
Committee

7. A resolution approving a sub-award to the City of Bartlett on behalf of Shelby County Office of Preparedness in the amount of \$102,144.00 in accordance with the 2008 Urban Area Security Initiative Grant Funds, and this item requires the expenditure of pass through funds in the amount of \$102,144.00 under the U.S. Department of Homeland Security grant programs. Sponsored by Commissioner Sidney Chism.

CARPENTER

Acting Chairman, Law
Enforcement
Committee

8. A resolution amending the FY 2010 Operating Budget in the amount of \$818,544.38 for the evacuation and sheltering support of Hurricane Gustav evacuees and this item requires expenditures of Federal Pass Through Grant Funds under the Federal Emergency Management Agency (FEMA) Disaster Assistance Policy, the Military Department of Tennessee and the Tennessee Emergency Management Agency in the amount of \$818,544.38. Sponsored by Commissioner Sidney Chism.

CARPENTER

Chairman, Community
Services Committee

9. Resolution to amend the FY 2010 Operating Budget for Grant Funds in the amount of \$10,000.00 from the Assisi Foundation for implementation of the Shelby County Youthbuilder Corps PILOT Project sponsored by the Shelby County Office of Early Childhood and Youth. This item requires expenditure and appropriation of grant funds in the amount of \$10,000.00. Sponsored by Commissioner Mike Carpenter.

CARPENTER

Acting Chairman,
Conservation
Committee

10. Resolution approving the grant of a permanent conservation easement to Shelby County Government, for the use and benefit of the citizens of Shelby County, Tennessee, Across approximately 38.845 Acres of real property owned by City of Memphis and County of Shelby, for the use and benefit of the Chickisaw Basin Authority, for wetland mitigation. Sponsored by Commissioner Mike Ritz.

CARPENTER

Acting Chairman,
Conservation
Committee

11. Resolution to appropriate funds in the amount of \$200,000.00 for acquisition and closing costs of land and right-of-way for Wolf River Ecosystem Restoration Project from the FY 2009-10 CBA Budget for Project Number 300171, Chickisaw Basin Authority, and amending the FY 2009-10 Capital Projects Budget. Sponsored by Commissioner Steve Mulroy.

BROOKS

Chairman, Core City
Committee

12. Resolution to amend resolution approved October 12, 2009 by the Shelby County Board of Commissioners under Item No. 14 entitled, "RESOLUTION RESCINDING THE SALE OF ONE COUNTY-OWNED DELINQUENT TAX PARCEL ACQUIRED FROM SHELBY COUNTY TRUSTEE TAX SALE NO. 0203 AND SOLD TO TRUSTEES OF ST. JAMES CME CHURCH, PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 67-5-2507, AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO REFUND THE SALE PRICE TO TRUSTEES OF ST. JAMES CME CHURCH IN THE AMOUNT OF \$7,000.00 AND THE CLOSING COST IN THE AMOUNT OF \$92.90 FOR SAID PROPERTY; AND AMENDING THE FY 2009/2010 BUDGET. SPONSORED BY COMMISSIONER WYATT BUNKER". Sponsored by Commissioner Henri Brooks.

FLINN

Chairman, General
Government
Committee

13. Resolution renaming the Shelby County Administration Building located at 160 North Main the "Vasco A. Smith, Jr. County Administration Building." Sponsored by Commissioner Henri E. Brooks.

FLINN
Chairman, General
Government
Committee

14. [Resolution approving the election of notaries public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner George Flinn.](#)

FLINN
Chairman, General
Government
Committee

15. [Resolution to affirm and clarify the "pick up" by Shelby County Government of employee contributions to the Shelby County Retirement System consistent with Section 414\(h\)\(2\) of the Internal Revenue Code. Sponsored by Commissioner George Flinn.](#)

REGULAR AGENDA

Elections, Appointments, and Confirmations

FLINN
Chairman, General
Government
Committee

16. [Resolution electing an interim County Commissioner for District 3, Position 3. Sponsored by Commissioner Mike Ritz.](#)

FLINN
Chairman, General
Government
Committee

17. [Resolution amending the resolution adopted on August 31, 2009, Item No. 19 which approved Odell Johnson, Jr. for appointment to the Memphis and Shelby County Cross Connection Board by rescinding said appointment. Sponsored by Commissioner George Flinn.](#)

FLINN
Chairman, General
Government
Committee

18. [Resolution approving appointment of the three employee members to the Unified Personnel Policy Committee \(UPPC\). Sponsored by Commissioner George Flinn. \(DEFERRED TO 1/11/10\)](#)

FLINN
Chairman, General
Government
Committee

19. [Resolution receiving and filing the resignation of Commissioner Matt Kuhn; declaring a vacancy in District 4, Position 3 of the Shelby County Board of Commissioners effective December 16, 2009; setting Wednesday, January 6, 2009 as the date for interviewing candidates and Monday, January 11, 2009 for electing an interim County Commissioner; authorizing the Chairman of the Board of County Commissioners to publish notice of election; and directing the Shelby County Attorney to conduct criminal background checks on all candidates for said vacancy. Sponsored by Commissioner Mike Ritz. \(ADD-ON IN COMMITTEE 12/16/09\)](#)

Ordinances

Zoning and Subdivisions

RITZ

Chairman, Land Use
Committee

20. [CASE NO. P.D. 09-323 CC](#)
APPLICANT: Arnett CarWash, LLC
LOCATION: East side of Riverdale Road; +/-395.66 feet north of Holmes Road
REQUEST: Plan amendment to allow outdoor vending for an ice house facility.
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, December 11, 2009.)

RITZ

Chairman, Land Use
Committee

21. [CASE NO. S.U.P. 09-217 CO](#)
APPLICANT: Memphis Stone & Gravel Company
LOCATION: West side of Millington-Arlington Road; 1,400 feet west of Osborn town Road
REQUEST: Sand and gravel mining
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, December 11, 2009.)

Reports and/or Resolutions for Standing Committees

FLINN

Chairman, General
Government
Committee

22. [Resolution to amend Shelby County Retirement System Plan B to add an automatic Cost of Living Adjustment for certain retirees and survivors for calendar years 2010, 2011, and 2012. Sponsored by Commissioner J.W. Gibson, II. \(COMMITTEE RECOMMENDED TO TABLE 12/16/09\)](#)

FLINN

Chairman, General
Government
Committee

23. Resolution naming the building located at 616 Adams Avenue the “Dr. Vasco A. Smith Juvenile Justice Center.” Sponsored by Commissioner Mike Ritz. (WITHDRAWN IN COMMITTEE 12/16/09)

MULROY

Chairman, Legislative
Committee

24. A Resolution by The Board of Commissioners of Shelby County, Tennessee, requesting The Shelby County Delegation to support, and members of The Tennessee General Assembly to enact, legislation amending Tennessee Code Annotated, Title 55, Chapter 4, to authorize the issuance of new specialty earmarked license plates for the Shelby County Ask First Campaign. Sponsored by Commissioner Mike Carpenter.

MULROY

Chairman, Legislative
Committee

25. A Resolution by The Board of Commissioners of Shelby County, Tennessee, to Amend Resolution #26 Adopted on December 7, 2009 to enact legislation amending Tennessee Code Annotated, Title 67, Chapter 5, Section 2504, relative to tax sales and the invalidation or rescission of certain sales. Sponsored by Commissioner Steve Mulroy.

MULROY

Chairman, Legislative
Committee

26. A Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the Shelby County Delegation to support, and members of the Tennessee General Assembly to enact, legislation amending Tennessee Code Annotated, Title 16, Chapter 15, Section 50, relative to domestic violence. Sponsored by Commissioner Mike Carpenter.

MULROY

Chairman, Legislative
Committee

27. Resolution of the Shelby County Board of Commissioners to request the Shelby County Delegation to ask Governor Bredesen to add to his call for a special session dealing with higher education and K-12 education a request that the BEP II Formula be revised to provide fair and equitable state financing of public schools in Memphis and Shelby County. Sponsored by Commissioner Mike Ritz. (ADD-ON IN COMMITTEE 12/16/09)

Announcements/Statements

- 28. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of David Brackstone for appointment to the Shelby County Ethics Commission. Sponsored by Commissioner George Flinn. b) Resolution approving the County Mayor's nomination of Pamela Beasley and Warren Funk for reappointment to the Shelby County Conservation Board. Sponsored by Commissioner George Flinn.**

Adjournment

- 29. Resolution of adjournment to Monday, January 11, 2010 at 1:30 p.m.**